



## MINUTES

**BRYAN PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
THURSDAY, FEBRUARY 15, 2007  
AT 6:00 P.M.  
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING  
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer:     *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

### **1. CALL TO ORDER**

Chairperson Hughes called the regular meeting to order at 6:05p.m.

Commission members present were: Mr. Michael Beckendorf, Mr. Johnny Bond, Mr. John Clark (Vice Chairperson), Mr. Ralph Davila, Mr. Robert Horton, Mr. Art Hughes, Mr. G.H. Jones, Mr. Don Maxwell (Parliamentarian), and Mr. Michael Parks.

Commission members absent were: none.

Staff members present were: Mr. Kevin Russell, Director of Development Services; Ms. Lindsey Guindi, Planning Manager; Mr. Martin Zimmermann, Senior Planner; Mr. John Dean, Transportation Planner; Mr. Randy Haynes, Staff Planner; Mr. Paul Kaspar, Assistant City Engineer; Mr. Richard Reynosa, Graduate Civil Engineer; Ms. Janis Hampton, Assistant City Attorney; and Ms. Charmaine McKinzie, Planning Recorder.

### **2. HEAR CITIZENS**

Chairperson Hughes advised that citizens will have 3 minutes to address the Commission at this time concerning items not on the regular agenda. Chairperson Hughes explained that the 3-minute time limit will also be in effect during all public hearings on tonight's agenda.

No one came forward.

**3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST**

Commissioner Clark filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding regular agenda item #6, Administrative Appeal AA07-01. Commissioner Clark will not participate in deliberation or voting on this agenda item.

**4. CONSENT AGENDA (Items may be removed at the request of two Commission members.)**

**a. Approval of minutes from the workshop and regular meeting on January 18, 2007.**

**b. CONSIDERATION – Final Plat FP05-30**

**M. Zimmermann**

*Proposed final plat of Colony Park North Subdivision consisting of 6.85 acres located on North Earl Rudder Freeway in Bryan, Brazos County, Texas.*

**Commissioner Parks moved to remove item 4.a. from the Consent Agenda. Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there were any discussion.

There was none.

**The motion passed with a unanimous vote.**

**Commissioner Maxwell moved to approve the Consent Agenda. Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there were any discussion.

There was none.

**The motion passed with a unanimous vote.**

**Commissioner Parks moved to approve the minutes from the workshop and regular meeting on January 18, 2007, with modifications to the regular meeting minutes as requested during the Commission's earlier workshop meeting. Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there were any discussion.

There was none.

**The motion passed with a unanimous vote.**

**REQUEST FOR APPROVAL OF RESUBDIVISION**

**5. PUBLIC HEARING/CONSIDERATION – Replat RP07-00**

**J. Dean**

*Proposed replat of Hampton Hill Subdivision consisting of 0.61 acres located on South Hampton Court in Bryan, Brazos County, Texas.*

Mr. John Dean, Transportation Planner, presented the staff report (on file in the Development Services Department). Mr. Dean stated that this is a request to replat five lots along South Hampton Court totaling 0.361 acres into two lots for the purpose of constructing a multi-family development. The Site Development Review Committee and staff recommend approving this request. No one had any questions for staff.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Beckendorf moved to recommend approval of Replat RP07-00, accepting the findings of staff. Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there were any discussion.

There was none.

**The motion passed with a unanimous vote.**

## **REQUEST FOR APPROVAL OF AN ADMINISTRATIVE APPEAL**

Chairperson Hughes advised that Commissioner Clark has filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding the following regular agenda item #6, Administrative Appeal AA07-01. Commissioner Clark will not participate in deliberation or voting on this agenda item.

- 6. PUBLIC HEARING/CONSIDERATION – Administrative Appeal AA07-01** **L. Guindi**  
*An appeal of the Site Development Review Committee's decision to deny driveway access onto a local street, Wayside Drive, from a proposed nonresidential development planned at 1711 South Texas Avenue at the corner of South Texas Avenue and Wayside Drive, being Lot 1 in Block N of Cavitt's Woodland Heights Subdivision in Bryan, Brazos County, Texas.*

Ms. Lindsey Guindi, Planning Manager, presented a staff report (on file in the Development Services Department). Ms. Guindi advised the Commission that the applicant has submitted a site plan application to develop an O'Reilly's Auto Parts store at 1711 South Texas Avenue. During the Site Development Review Committee's review of the site plan, driveway locations were discussed at great length. The site plan proposes two driveways to and from this property; one along Texas Avenue and one along Wayside Drive. Ms. Guindi read the section from the Land and Site Development Ordinance that stipulates that driveway access from a nonresidential development to a local street that primarily serves residences should be discouraged. Ms. Guindi advised that the Site Development Review Committee denied the proposed driveway access onto Wayside Drive from this proposed nonresidential development and that the applicant has appealed that decision to the Planning and Zoning Commission.

Ms. Guindi explained the reasons mentioned in the staff report for the Site Development Review Committee's decision to deny the proposed driveway. Ms. Guindi added that denying driveway

access from Wayside Drive to this proposed nonresidential development will not deprive the property owners of reasonable use of the land as a retail establishment. The property is 2.2 acres in size and has more than 400 feet of frontage along Texas Avenue. Staff maintains that the site can be reconfigured to allow for additional room for delivery trucks to maneuver on this site with driveway access only from Texas Avenue. Texas Avenue is a major arterial street and can accommodate the traffic generated by the proposed nonresidential development at this location. Staff recommends upholding the Site Development review Committee's decision to deny the proposed driveway on Wayside Drive. Ms. Guindi explained that the Commission may (1.) reverse the Site Development Review Committee's decision and allow driveway access on Wayside Drive from this property; or (2.) concur with the Site Development Review Committee's decision and deny the request driveway access.

Responding questions from the Commission, Ms. Guindi advised that the ordinance discourages the driveway onto local streets and that a 6-foot high privacy fence will be required where this property adjoins a residential zoning district.

Responding questions from the Commission, Ms. Guindi advised that driveway separation standards will not allow two driveways onto this property from Texas Avenue. She added that the property owner has indicated the desire to subdivide the property into two lots with one shared driveway access from Texas Avenue.

The public hearing was opened.

Mr. David Sparks, of 504 Wayside Drive, Bryan, Texas came forward to speak against approving the appeal. He stated that he owns the residential property directly adjacent to the subject property on Wayside Drive. Mr. Sparks stated that he supports the Site Development Review Committee's decision to deny driveway access onto Wayside Drive from this proposed development.

The public hearing was closed.

**Commissioner Beckendorf moved to uphold the decision of Site Development Review Committee to deny driveway access onto Wayside Drive from this property, as recommended by staff. Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there was any discussion.

Responding to questions from the Commission, Ms. Guindi stated that the applicant has not indicated the frequency of deliveries to the proposed development and confirmed that cars parked on the opposite side of Wayside Drive in front of an apartment building may restrict the movement of vehicles in this vicinity, especially 18-wheelers.

Commissioner Parks pointed to other properties along Texas Avenue that have driveway access to side streets. The proposed driveway, in his opinion, would not put more traffic on Wayside Drive; traffic is already there. He speculated that the primary access to this site would be from Texas Avenue and cautioned that denying the request would set a standard for how requests for driveway access on similarly-situated properties.

Responding to questions from the Commission, Ms. Guindi stated that there may be a variance request from driveway separation standards for this property to be decided by the Commission in the future as the proposed driveway location on Texas Avenue does not meet minimum driveway

separation standards. She added that any replat of this property would also have to be approved by the Commission.

Commissioner Beckendorf explained that he would not have made the motion to uphold the Site Development Review Committee's decision if he would have had more information.

Chairperson Hughes stated that he sees a problem with traffic circulation in the area with and without a driveway access onto Wayside Drive.

Commissioner Bond commented that it will not be easy for an 18-wheeler truck to maneuver onto and out of this site from Wayside Drive.

**The motion failed by a vote of one (1) in favor and (7) in opposition. Chairperson Hughes cast the vote in favor of the motion.**

**Commissioner Parks moved to reverse the decision of Site Development Review Committee and allow a driveway access onto Wayside Drive from this property. Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there was any discussion.

Commissioner Parks remarked that allowing driveway access to Wayside Drive gives the applicant options with regard to the location of driveways to and from this property. He added that the Commission will have an opportunity at a later date to decide if a variance from driveway separation standards is appropriate at this location.

Commissioner Maxwell voiced his concern about permanently eliminating driveway access to Wayside Drive from this property.

Commissioner Beckendorf stated that Bryan needs more developments like this one on Texas Avenue and that this proposed development is good for the community.

Chairperson Hughes stated that he agrees that Bryan needs more developments like this and added that developments should follow existing ordinance standards.

**The motion passed with a unanimous vote. Commissioner Clark did not participate in deliberation or voting on this agenda item due to a conflict of interest.**

*Chairperson Hughes called a recess at 7:15 p.m.*

*Commissioner Jones left the meeting at 7:15 p.m.*

*Chairperson Hughes reconvened the meeting at 7:18p.m.*

## **REQUESTS FOR APPROVAL OF REZONING (Commission makes recommendation; City Council has final approval.)**

### **7. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-10**

**R. Haynes**

*A request to change the zoning classification from Residential District – 5000 (RD-5) to Residential*

*Neighborhood Conservation District (R-NC) for 13 lots in the B.B. Scasta Subdivision – Phase 2, located along Carter Creek Parkway adjacent to Delma and Wilson Oaks Drive in Bryan, Brazos County, Texas.*

Mr. Randy Hanes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Hanes stated that the property owners within B.B. Scasta Subdivision Phase 2 have submitted a complete petition for a City-Initiated zoning change from RD-5 Residential District – 5000 to R-NC Residential Neighborhood Conservation District on all 13 lots in this subdivision. The lots in this subdivision phase are developed with single-family homes. Staff recommends approval. No one had any questions for staff.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Beckendorf moved to recommend approval of Rezoning RZ07-10, accepting the findings of staff. Commissioner Clark seconded the motion.**

Chairman Hughes asked if there was any discussion.

There was none.

**The motion passed with a unanimous vote.**

#### **8. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-11**

**M. Zimmermann**

*A request to amend the development plan of a previously approved Planned Development – Business (PD-B) District for approximately 44.59 acres out of the Richard Carter Survey, A-8 located along University Drive East in Bryan, Brazos County, Texas.*

Mr. Martin Zimmermann, Senior Planner, presented a staff report (on file in the Development Services Department). Mr. Zimmermann advised that the applicant is requesting to amend the existing development plan for this acreage, as follows: (1.) no trees are proposed to be planted in the floodway storage pond (Area 2); and (2.) the area west of the proposed lots and south of the floodway storage pond (Area 3) is proposed to remain open land cleared of underbrush and trees. In short, the landscaping in Areas 2 and 3 is proposed to remain as it is today.

Staff generally recommends approving the requested amendment to the previously-approved development plan of this Planned Development Business (PD-B) District. Staff contends that the proposed changes to the development plan will not adversely affect the future coexistence of residential and nonresidential land uses in this vicinity as it is shown on the development plan. Even with the proposed changes to the development plan, several hundred feet of open space (some of which is heavily wooded with underbrush separate) will buffer residential lots in the Park Meadow Subdivision from planned office/retail uses in this Planned Development District. Staff's positive recommendation is, however, subject to the following modifications to the proposed revised development plan:

1. Modify development plan note number 5 c. to read as follows: "Area 3 – Open Space".

2. Show the proposed street in this Planned Development District to align with the proposed street shown on plans for Veteran's Park in College Station.
3. Change the street name of the proposed street in this Planned Development District to Hudson Creek Court.

Responding to questions from the Commission, Mr. Zimmermann clarified the landscape areas in question, reiterated the nature of the request and explained that the issue of parkland dedication will be addressed when the property is being platted. Mr. Zimmermann added that a new drainage report has been submitted by the applicants engineer, Mr. Rabon Metcalf, shows that the developer's alterations to Hudson Creek in the last couple of years will have no adverse impact on adjacent properties. Mr. Zimmermann pointed out that that drainage report was reviewed by an independent engineer and has been accepted by the City Engineer.

Mr. Richard Reynosa, Graduate Civil Engineer, came forward to answer questions from the Commission regarding the drainage in the area.

The public hearing was opened.

Mr. Rabon Metcalf, of 3817 Stoney Creek Lane, College Station, Texas, representing the applicant, came forward to speak in favor of the request. He advised the Commission that the applicant has no objection to staff's recommendations. He added that the developer would also be willing to plant trees in the floodway storage pond, as shown on the previously-approved development plan.

Ms. Eluned Jones, of 3602 Park Meadow Lane, Bryan, Texas came forward to speak in opposition to the request. Ms. Jones asked the Commission to require adherence to the original development plan and voiced her concerns about the removal of trees and other 'green' material on land north of Hudson Creek. She views the requested changes to the development plan as a means of approving of actions the developer has already taken in defiance of an approved development plan, i.e., removing trees and not fulfilling the original development plan for tree planting. Ms. Jones added that she was concerned about flooding and the negative impact on future residential development in this area if floodplain boundaries change.

Responding to a question from the Commission, Ms. Jones explained that her neighbor, Ms. Susan Chmelar, of 3600 Park Meadow Lane has experienced flooding in the past.

Ms. Susan Goodson, of 3609 Dorchester Court, Bryan, Texas came forward to speak against the request. She advised the Commission that if the plan was approved with trees to be planted in the floodway storage pond she would not have a problem. Ms. Goodson also advised that she has had to purchase flood insurance.

Mr. Tim Walton, of 3607 Dorchester, Bryan, Texas came forward to speak against the request. He advised the Commission that many trees were removed from Area 1 (north of Hudson Creek) which was supposed to be protected.

Mr. Michael Davis, of 4002 Aspen Street, Bryan, Texas, applicant, came forward to speak in favor of the request. Mr. Davis pointed out that there is a 150-foot wide City of Bryan right-of-way easement that extends south of the Park Meadow Subdivision. That easement separates his property from these

residential lots. Mr. Davis advised the Commission that he has not removed any trees in the area north of Hudson Creek.

Responding to questions from the Commission, Mr. Davis highlighted the floodway storage pond and answered questions related to the drainage concerns in the area. Mr. Davis added that he is willing to plant trees in the floodway storage pond, as shown on the previously-approved development plan.

Mr. Paul Kasper, Assistant City Engineer, came forward to answer questions from the Commission regarding drainage in the area. Mr. Kasper advised the Commission that the floodway storage pond has been in place 4 to 5 years and that there have been no erosion or silting problems, as was originally anticipated. Mr. Kasper advised that drainage problems in the area are caused by Carter's Creek and not Hudson Creek.

Mr. David Chalmers, of 3602 Park Meadow Lane, Bryan, Texas came forward to speak against the request. He urged the Commission to require adherence to the original development plan.

Ms. Trisha Dicky, of 3800 Barnsley Court, Bryan, Texas advised that the reduction of vegetation in the area north of Hudson Creek was probably done by the City as part of utility maintenance. She stated that if the applicant was to put in the trees it would make everyone happy.

Mr. Jim Florence, of 509 Fairfield Court, Bryan, Texas came forward to speak against the request. He urged the Commission to require adherence to the original development plan.

Mr. Vince Marino, of 3717 Park Meadow Lane, Bryan, Texas advised the Commission that he would like to see trees planted in the floodway storage pond.

The public hearing was closed.

**Commissioner Parks moved to recommend approving the amendment to the development plan, as it has been requested with Rezoning RZ07-11, accepting the findings of staff, and with the following modifications to the development plan document:**

- 1. Modify development plan note number 5 c. to read as follows: "Area 3 – Open Space".**
- 2. Show the proposed street in this Planned Development District to align with the proposed street shown on plans for Veteran's Park in College Station.**
- 3. Change the street name of the proposed street in this planned Development District to Hudson Creek Court.**
- 4. Show pecan and/or bald cypress canopy trees to be planted in the floodway storage pond at 100-foot intervals, as shown on the previously-approved development plan for this Planned Development Business (PD-B) District, as amended.**

**Commissioner Clark seconded the motion.**

Chairman Hughes asked if there was any discussion.

Commissioner Beckendorf stated that development is good for Bryan and that when rules are set we need to follow them.



Commissioner Clark stated that we need to trust our engineers when it comes to drainage issues.

Commissioner Maxwell stated that he has been convinced that the vegetation was not compromising the drainage issue.

**The motion passed with a unanimous vote.**

## **9. ADJOURN**

Without objection, Chairperson Hughes adjourned the meeting at 8:10p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the **22<sup>nd</sup>** day of **March, 2007**.

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Art Hughes, Chairperson  
Planning and Zoning Commission  
City of Bryan, Texas

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Lindsey Guindi, Planning Manager and  
Secretary to the Planning and Zoning  
Commission